(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

MISCELLANEOUS CIVIL APPLICATION NO.98 OF 2004
IN APPEAL FROM ORDER NO. 48 OF 1999

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri Sudin Usgaokar, advocate for the applicants.

Shri S. K. Kakodkar, Senior Advocate with Shri J. J. D'Souza, advocate for respondent no.1.

Shri S. S. Kantak, advocate for respondent nos. 2(a) to 2(f).

CORAM : S. A. BOBDE, J.

DATE : 18th June, 2004

P.C.:

This is an application for bringing legal heirs of the deceased appellant no.1 on record. Earlier, by order dated 9th March, 2004, the widow and the sons of the said deceased appellant no.1 were allowed to be brought on record. Now the wives of the said two sons are sought to be brought on record, in view of the concept of communion of assets applicable in the region.

Shri Kakodkar, learned Senior

Counsel for the respondents submits that the wives are not entitled to be brought on record because the legal heirs of a deceased partner do not have a right to continue the suit for dissolution of the partnership. This contention seems to have been impliedly overruled by this Court when it made the order dated 9th March, 2004, allowing the widow and the sons to be brought on record. Admittedly, no steps have been taken against the said Order.

Hence, I see no reason why the wives should not be brought on record. The Misc. Civil Application is allowed.

S. A. BOBDE, J.

mc.